

EXHIBIT C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICKY FRANKLIN

Case No.: I:18-cv-00161-LJV

Plaintiff,

vs.

BISON RECOVERY GROUP, INC.

Defendant.

**DEFENDANT BISON RECOVERY GROUP, INC.'S
FIRST SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF**

Pursuant to Fed. R. Civ. P. 34, Defendant Bison Recovery Group, Inc. ("Defendant"), requests Plaintiff Ricky Franklin produce the following documents and electronically stored information.

GENERAL OBJECTIONS

Plaintiffs assert and incorporate by reference the following general objections to Defendant's request for production of documents as though they were set forth in in each response:

1. Plaintiff object to Defendant's request for production of documents to the extent that the requests are overly broad and unduly burdensome, not likely to lead to discovery of admissible information, and improperly imposed for the sole purpose of harassment to the Plaintiff.
2. Plaintiff object to Defendant's request for production of documents to the extent that Defendant's seek the discovery of information which is beyond the

scope of this lawsuit, and therefore irrelevant, immaterial, and not reasonable calculated to lead to the discovery of admissible evidence.

3. This response is made without waiver of, and with express reservation of all questions as to competency, relevancy, materiality, and admissibility of the responses to document requests as evidence for any purpose in any further proceedings in this action (including the trial of this action) or in any other action.

4. Likewise, Plaintiffs objections to Defendants' request for production of documents are based upon the information presently known by the Defendants, and are made without prejudice to the Defendants.

5. Plaintiff object to the requests to the extent they attempt to impose obligations that are inconsistent with, or beyond the scope of, those imposed by or authorized under the Federal Rules of Civil Procedure or other applicable law.

6. Plaintiff objects to the requests to the extent that the requests seek information that's not in Plaintiff's possession and is not readily accessible to the Plaintiff in this case.

7. Plaintiff objects to all requests in Appendix A in the extent that the requests are overly broad and unduly burdensome, not likely to lead to discovery of admissible information, and improperly imposed for the sole purpose of harassment to the Plaintiff. Plaintiff further objects to the extent that the

requests seek information that's not in Plaintiff's possession and is not readily accessible to the Plaintiff in this case.

Subject to and without waiving the foregoing objections, Plaintiff provides the following responses:

DOCUMENT DEMANDS

1. Any and all documents on which Plaintiff relied in order to respond to Bison's First Set of Interrogatories.

RESPONSE: See Exhibits Ricky Franklin A, B, C

2. All communication, i.e. letters, facsimiles, text messages, emails and memorandums, exchanged between Bison and Plaintiff.

RESPONSE: Plaintiff objects to this request as it is irrelevant, not likely to lead to discovery of admissible information and Plaintiff does not possess any of these documents.

3. All communication, i.e. letters, facsimiles, text messages, emails and memorandums, sent and/or received by Plaintiff concerning the allegations in the Complaint.

RESPONSE: Plaintiff objects to this request as it is irrelevant, not likely to lead to discovery of admissible information and Plaintiff does not possess any of these documents.

4. All video and/or audio recordings that depict conversations between Bison and Plaintiff or his agent/representative.

RESPONSE: See Exhibits Ricky Franklin A & B

5. All voicemail messages or video and/or audio recordings of any voicemail

messages received by Plaintiff from Bison.

RESPONSE: See Exhibits Ricky Franklin A

6. Any and all of Plaintiff's telephone records for the telephone number(s) identified in response to the Defendant's Interrogatories from January 1, 2015 to the present.

RESPONSE: Plaintiff objects to this request as it is irrelevant, not likely to lead to discovery of admissible information and Plaintiff does not possess any telephone records.

7. Any and all documents, information or recordings that demonstrate Bison used artificial or prerecorded voice to contact Plaintiff.

RESPONSE: See Exhibits Ricky Franklin A

8. Any and all documents, information or recordings that demonstrate Bison used an automated dialer system to contact Plaintiff.

RESPONSE: Plaintiff objects to this request as it is irrelevant, not likely to lead to discovery of admissible information, unduly burdensome, and improperly imposed for the sole purpose of harassment to the Plaintiff. Plaintiff further objects, because Defendant is asking Plaintiff to produce material that the Defendant has in its possession.

9. Any and all documents or information that demonstrates the dates and times Plaintiff received telephone calls from Bison.

RESPONSE: See Exhibits Ricky Franklin A & B

10. Any and all documents or information that demonstrates Plaintiff's ownership or assignment of any telephone number Plaintiff claims to have received a telephone call from Bison.

RESPONSE: See Exhibits Ricky Franklin C

11. Any and all exhibits that Plaintiff will mark and/or use at trial.

RESPONSE: See Exhibits Ricky Franklin A, B, C

12. Any and all documents or information that demonstrate Plaintiff suffered actual damages.

RESPONSE: See Exhibits Ricky Franklin A & B

15. Any and all documents, information or recordings that demonstrate Plaintiff requested that Bison cease or stop telephone calls placed to Plaintiff.

RESPONSE: See Exhibits Ricky Franklin B

16. Any and all documents or information that demonstrates the system used by Bison stores or produces telephone numbers to be called using a random or sequential number generator as alleged in Paragraph 18 of the Complaint.

RESPONSE: Plaintiff objects to production of documents because this action is outside the Plaintiffs knowledge. Plaintiff further objects, because Defendant is asking Plaintiff to produce material that the Defendant has in its possession.

17. Any and all documents or information that demonstrates that Plaintiff incurred charges to his cell phone for the alleged unauthorized calls as alleged in Paragraph 22 of the Complaint.

RESPONSE: See Exhibit Ricky Franklin A & B, which is an invasion of Plaintiffs privacy with automated phone calls, and use of time and depletion of battery life which could have been used for other purposes. Additionally, the calls were a nuisance and thus are sufficient to confer Article III standing as they were harassing to Plaintiff.

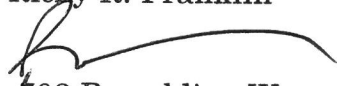
18. Any and all documents or information that demonstrates that Bison willfully or knowingly made telephone calls to Plaintiff in violation of the Telephone Consumer Protection Act.

RESPONSE: See Exhibits Ricky Franklin A & B

19. Any and all documents or information that Bison did or does utilize the telephone number 716-256-1641.

RESPONSE: See Exhibits Ricky Franklin A & B

Respectfully submitted, February 10th, 2020

Ricky R. Franklin

708 Brambling Way
Stockbridge, GA 30281
rrfrank12@hotmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was sent via mail on February 10th 2020 to Defendant's Counsel listed below:

LIPPES MATHIAS WEXLER FRIEDMAN LLP

Brendan H. Little

Tessa R. Scott

**50 Fountain Plaza, Suite 1700
Buffalo, NY 14202
P: (716) 853-5100
F: (716) 853-5199**

ATTORNEYS FOR DEFENDANT BISON RECOVERY GROUP, INC

Ricky R. Franklin


**708 Brambling Way
Stockbridge, GA 30281
rrfrank12@hotmail.com**

RECEIVED FEB 12 2020

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICKY FRANKLIN

Case No.: 1:18-cv-00161-LJV

Plaintiff,

vs.

BISON RECOVERY GROUP, INC.

Defendant.

**DEFENDANT BISON RECOVERY GROUP, INC.'S
FIRST SET OF INTERROGATORIES TO PLAINTIFF**

Pursuant to FED. R. CIV. P. 33, Defendant Bison Recovery Group, Inc. hereby demands that Plaintiff Ricky Franklin answer the following Interrogatories:

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify the person or persons answering these Interrogatories. Further, please identify all other persons providing information responsive to these Interrogatories, including their title and work and home residence.

Answer: Ricky Franklin, 708 Brambling Way, Stockbridge, GA 30281

INTERROGATORY NO. 2:

Please identify each every telephone number that Franklin contends Bison contacted. In doing so, please identify the company who provided the telephone service, i.e. Verizon, Sprint, to Franklin for each telephone number provided.

Answer: 678-235-1290, Metro Pcs

INTERROGATORY NO. 3:

Please identify the date(s) and time(s) that Bison contacted Franklin via the telephone. For each date and time identified, please identify the telephone number Bison dialed to reach Franklin.

Answer: See Ricky Franklin Exhibit B, Call Log

INTERROGATORY NO. 4:

Please identify the date(s) and time(s) that Bison used an artificial or prerecorded voice to contact Franklin. For each date and time identified, please identify the telephone number Bison dialed to reach Franklin.

Answer: See Ricky Franklin Exhibit A, Automated messages

INTERROGATORY NO. 5:

Please identify Franklin's factual basis that Bison used an artificial or prerecorded voice to contact Franklin on the dates identified in response to Interrogatory 4 above.

Answer: See Ricky Franklin Exhibit A, Automated messages

INTERROGATORY NO. 6:

Please identify the date(s) and time(s) that Bison used an automated dialer system to contact Franklin as alleged in Paragraph 18 of the Complaint. For each date and time identified, please identify the telephone number Bison dialed to reach Franklin.

Answer: See Ricky Franklin Exhibit A & B (Automated messages, Call Log)

INTERROGATORY NO. 7:

Please identify Franklin's factual basis that Bison used an automated dialer system to contact Franklin on the dates identified in response to Interrogatory 6 above.

Answer: See Ricky Franklin Exhibit A & B

INTERROGATORY NO. 8:

Please identify the dates of each and every written communication Franklin, or someone on his behalf, sent to Bison.

Answer: March 31st 2015 Intent to Sue Letter

INTERROGATORY NO. 9:

Please identify the amount of the charges to his cellphone Franklin incurred for alleged unauthorized phone calls as alleged in Paragraph 22 of the Complaint.

Answer: Plaintiff is on a prepaid plan with his cellular phone and has limited minutes. These unwanted calls cause a direct concrete, monetary injury by depleting limited minutes that I pay for in advance. The unwanted calls caused injury by depleting the cellphone battery requiring the Plaintiff to pay for electricity to recharge his phone. Additionally, the calls were a nuisance and invaded the Plaintiffs privacy, and thus are sufficient to confer Article III standing. Finally, the calls were harassing and Plaintiff felt resentment and anger each time these calls were made because the calls distracted, and tied up Plaintiff's cellphone from other usages.

INTERROGATORY NO. 10:

Please identify Franklin's emotional distress, anger and resentment he received from each telephone call purportedly made by Bison as alleged in Paragraph 24 of the Complaint.

Answer: The calls were harassing and Plaintiff felt resentment and anger each time these calls were made because the calls distracted, and tied up Plaintiff's cellphone from other usages. These calls occurred and caused stress and anger on the dates listed in Exhibit B

INTERROGATORY NO. 11:

Please identify the dates and times of each call made by Bison to Franklin wherein Franklin believes he is entitled to treble damages as set forth in Paragraph 27 of the Complaint.

Answer: See Ricky Franklin Exhibit B, Plaintiff informed Bison that they were calling

the wrong number.

INTERROGATORY NO. 12:

For each date identified in response to Interrogatory 11 above, please identify Franklin's basis that Bison placed the call willfully or knowingly in violation of the Telephone Consumer Protection Act.

Answer: See Ricky Franklin Exhibit B, Plaintiff informed Bison that they were calling the wrong number.

INTERROGATORY NO.13:

Please identify the dates and times wherein Franklin communicated with an employee at Bison. In doing so, please identify the subject matter of the communication and the identity of the employee as well as his/her title.

Answer: See Ricky Franklin Exhibit B, On March 26, 2015 Plaintiff talked to a representative...Plaintiff informed Bison that they were calling the wrong number. Plaintiff does not know the name of the employee.

INTERROGATORY NO. 14:

Please identify the date and time Franklin instructed Bison to stop all calls to him and cease calling his cellular telephone as alleged in Paragraph 30 of the Complaint.

Answer: Plaintiff objects to this Interrogatory because paragraph 30 of the complaint, does not indicate what this interrogatory is asking.

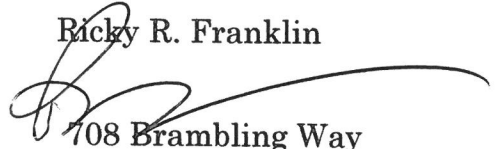
INTERROGATORY NO. 15:

Please identify Franklin's factual basis the telephone number 716-256-1641 was or is utilized by Bison.

Answer: See Ricky Franklin Exhibit A & B. Further, the automated message left on Plaintiff answering machine indicates the number ending in 1641 was used by Bison at

the time the calls was made.

Respectfully submitted, February 10th, 2020

Ricky R. Franklin

708 Brambling Way
Stockbridge, GA 30281
rrfrank12@hotmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was sent via mail on February 10th 2020 to Defendant's Counsel listed below:

LIPPES MATHIAS WEXLER FRIEDMAN LLP

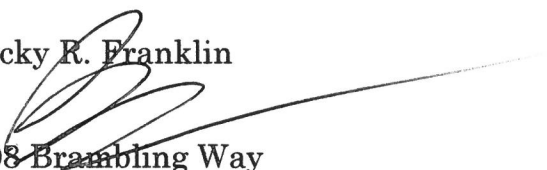
Brendan H. Little

Tessa R. Scott

**50 Fountain Plaza, Suite 1700
Buffalo, NY 14202
P: (716) 853-5100
F: (716) 853-5199**

ATTORNEYS FOR DEFENDANT BISON RECOVERY GROUP, INC

Ricky R. Franklin


**708 Brambling Way
Stockbridge, GA 30281
rrfrank12@hotmail.com**